

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JAMES EUGENE BAKER,

11 Petitioner,

12 v.

13 STEPHEN SINCLAIR,

14 Respondent.

No. C09-5505 RJB/KLS

ORDER DENYING MOTION FOR THE  
APPOINTMENT OF COUNSEL

15 This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge  
16 Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has  
17 filed a motion for the appointment of counsel. Dkt. 7. Petitioner requests the appointment of  
18 counsel because he cannot afford one. *Id.*

19 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254  
20 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See  
21 *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164,  
22 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United  
23 States District Courts. An evidentiary hearing has not been granted in this case and the claims in  
24 the petition are adequately set forth and articulated. Petitioner has not yet demonstrated that an  
25 evidentiary hearing is necessary or that he is entitled to one.  
26


ORDER DENYING MOTION FOR COUNSEL - 1

1 Accordingly, it is **ORDERED**:

2 (1) Petitioner's motion for counsel (Dkt. 7) is **DENIED**.

3 (2) The Clerk is directed to send copies of this Order to Petitioner.  
4

5 DATED this 9th day of October, 2009.  
6

7   
8 Karen L. Strombom  
9 United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26